

NATURAL RESOURCES BOARD AGENDA ITEM

SUBJECT: Reconsideration of adoption of Board Order WM-29-05, revisions to NR 10 pertaining to deer hunting season and regulations.

FOR: FEBRUARY 2006 BOARD MEETING

TO BE PRESENTED BY: Keith Warnke

SUMMARY:

On Tuesday, January 31, 2006, the Board adopted modifications to CR 05-086 in a good faith effort to restore the work of the state's hunting groups for the 2006 deer hunting season. These modifications were in response to requests from the legislative committees. On February 8, 2006, the Assembly Committee on Natural Resources requested the Department of Natural Resources again consider the same modifications to CR No. 05-086 to which the Board had already responded on January 31.

On February 10, 2006, the Natural Resources Board declined to make any further modifications or take any further action on the proposed rule. Consequently, the Assembly and Senate Natural Resources Committees objected to portions of the NRB adopted rule on February 15, 2006. Their objections have been forwarded to the Joint Committee on Review of Administrative Rules where action must be taken to uphold, or not uphold the objection within 30 days, or request further modifications.

The Board has a number of options to consider:

- 1) Direct the agency to not file the rule and await completion of the legislative review.
- 2) The Board could choose to file the rule as approved by the legislature with the objections in place.
- 3) The Board could direct the Department to withdraw the rule.
- 4) Approve only portions of the rule for filing.

The stakeholder groups, on February 20, 2006, unanimously endorsed Option 1. The Department recommends Option 1. Option 1 requires that the Board direct the agency to not file the rule until the legislative review of the rule package is complete.

RECOMMENDATION: Withhold filing and implementation of the rule until legislative review of the rule is complete.

LIST OF ATTACHED MATERIALS:

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| No <input checked="" type="checkbox"/> | Fiscal Estimate Required | Yes <input type="checkbox"/> | Attached |
| No <input checked="" type="checkbox"/> | Environmental Assessment or Impact Statement Required | Yes <input type="checkbox"/> | Attached |
| No <input type="checkbox"/> | Background Memo | Yes <input checked="" type="checkbox"/> | Attached |

APPROVED:

/S/
Bureau Director, Tom Hauge

/S/
Administrator, Laurie Osterndorf

/S/
Secretary, Scott Hassett

2/20/2006

Date
2/20/2006

Date
2/20/2006

Date

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| cc: Amy J. Lemberger - AD/5 | Kurt Thiede - WM/6 | Diane Brookbank - CSL/GEF3 |
| GLIFWC & Tribes - 14 - WM/6 | Bill Vander Zouwen - WM/6 | Randy Stark - LE/5 |
| Tom Hauge - WM/6 | Tim Andryk - LS/5 | Tom Van Haren - LE/5 |
| Keith Warnke - WM/6 | Carol Turner - LS/5 | Rep. Scott Gunderson - 7 West |
| Cons. Congr. Exec. Comm. - 4 - AD/5 | Bob Manwell - CE/8 | Sen. Neal Kedzie - 313 South |